



08 AUG 2005

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In re Application of :
SHIMIZU et al. :
U.S. Application No.: 10/516,749 :
PCT No.: PCT/JP03/08479 : **DECISION ON PETITION**
Int. Filing Date: 03 July 2003 : **UNDER 37 CFR 1.47(a)**
Priority Date: 04 July 2002 :
Attorney Docket No.: 00005.001249 :
For: **FILTERS OF ELECTRONIC DISPLAY** :
DEVICE

This decision is in response to applicants' "Renewed Petition under 37 CFR 1.47(a)" filed 26 July 2005 to accept the application without the signature of joint-inventor, Kyoko Katagi. No petition fee is required.

BACKGROUND

On 03 July 2003, applicants filed international application PCT/JP03/08479 which claimed a priority date of 04 July 2002. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 15 January 2004. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 04 January 2005.

On 06 December 2004, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); declaration and power of attorney executed by four of the five joint-inventors; and a Petition under 37 CFR 1.47(a). In a "Decision on Petition under 37 CFR 1.47(a)" dated 26 May 2005, applicants petition under 37 CFR 1.47(a) was dismissed without prejudice.

On 26 July 2005, applicants filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor. Items (1), (3) and (4) have been satisfied.

A review of the present petition reveals that applicants have satisfied item (2), in that the applicants have shown that a bona fide attempt was made to present the application papers, including the specification, claims, and drawings to Kyoko Katagi. The steps taken by Ikuo Shimuzu are sufficient to show that Kyoko Katagi has refused to execute the application.

Accordingly, it is appropriate to accord the national stage application status under 37 CFR 1.47(a).

CONCLUSION

For the reasons above, applicants' petition under 37 CFR 1.47(a) is GRANTED.

The application has an international filing date of 03 July 2003 under 35 U.S.C. 363 and a date of **06 December 2004** under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.



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In re Application of
SHIMIZU et al.
U.S. Application No.: 10/516,749
PCT No.: PCT/JP03/08479
Int. Filing Date: 03 July 2003
Priority Date: 04 July 2002
Attorney Docket No.: 00005.001249
For: FILTERS OF ELECTRONIC DISPLAY DEVICE

Dear Ms. Katagi:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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